



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS

Regular Meeting of Monday, May 14, 2007 - 7:00 p.m. – Council Chambers

AGENDA ITEM NUMBER AND SUBJECT

1. Call to Order/Roll Call:

All present.

2. Invocation/ Salute to the Flag:

Mayor Bain/The audience participated.

3. Awards & Presentations:

3A) Certificate of Sincere Appreciation to Freddie L. Lewis for Thirty-Two Years of Service to the City.

Mayor Bain presented the Certificate to Freddie L. Lewis. On behalf of the Administration, City Manager Borgmann presented him with a clock with the City Seal.

3B) Certificate of Sincere Appreciation to Mario Segui for Sixteen Years of Dedicated Service to the City

Mayor Bain presented the Certificate to Mario Segui. On behalf of the Administration, City Manager Borgmann presented him with a clock with the City Seal.

3C) Certificates of Recognition – Springs River Festival – Art Contest Winners

Mayor Bain presented individual Certificates of Recognition to the Springs River Festival Art Contest winners.

3D) Certificates of Recognition – Springs River Festival – Essay Contest Winners

Mayor Bain presented individual Certificates of Recognition to the Springs River Festival Essay Contest winners.

4. Open Forum:

No speakers.

5. Approval of Council Minutes:

5A) 04/23/2007 – Regular Meeting

Approved as written.

Motion: Councilman Garcia

Second: Councilman Dotson

Vice Mayor Best: “absent at roll call”

Councilman Dotson: “aye”

Councilman Garcia: “aye”

Councilman Youngs: “absent at roll call”

Mayor Bain: “aye”

Vote: 3-0

6. Reports from Boards & Commissions:

6A) 04/23/2007 – Board of Appeals – Minutes

6B) 04/25/2007 – Historic Preservation Board – Cancellation Notice

6C) 04/26/2007 – Code Review Board – Cancellation Notice

6D) 05/01/2007 – Code Enforcement Board – Cancellation Notice

6E) 05/07/2007 – Zoning and Planning Board – Cancellation Notice

Agenda Items 6A through 6E were received for information without comment.

6F) 05/07/2007 – Board of Adjustment – Approval of Actions Taken at their Meeting of May 7, 2007, Subject to the 10-day Appeal Period

Council **approved** the actions of the Board of Adjustment subject to the 10-day appeal period.

Motion: Councilman Garcia

Second: Vice Mayor Best

Vote: 5-0

Agenda Item 11A discussed at this time.

7. Public Hearings:

7A) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Creating New Code of Ordinance Section 95-06, Rules and Regulations for Parks and Recreational Facilities; Providing Intent; Establishing Rules and Regulations Adoption Procedure; Delineating Future Actions by Resolution; Directing Notification of Rules and Regulations; Providing for Enforcement; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date (First Reading: 4/23/2007 – Advertised: 5/3/2007)

Adopted on second reading (**Ordinance No. 955-2007**)

Motion: Councilman Garcia

Second: Vice Mayor Best

Vote: 5-0

8. Consent Agenda: (Approved simultaneously)

8A) Approval of the City Attorney's Invoice for April 2007 in the Amount of \$9,113.50

Council **approved** payment of the City Attorney's invoice.

Motion: Vice Mayor Best

Second: Councilman Youngs

Vote: 5-0

8B) Recommendation that Council Waive the Competitive Bid Process and Award the Annual Fireworks Contract to Firepower Displays Unlimited, Inc., in the Amount of \$15,000.00

Council **waived** the competitive bid process and **awarded** the fireworks contract to Firepower Displays Unlimited, Inc.

Motion: Vice Mayor Best

Second: Councilman Youngs

Vote: 5-0

9. Old Business:

9A) Status Report Regarding the Renovation/Rebuilding of the Community Center:

9A1) Engineering Report

The City Manager **reported** that Pistorino and Alam Consulting Engineers, Inc. were assigned to perform the structural analysis of the building frame and to calculate the wind load capacity. They have reported that the building is significantly below today's standards, and that extensive bracing of the steel assembly must be added at a cost of \$200,000 plus \$40,000 for engineering costs. Council **authorized** the City Manager to go ahead with Phase II at a cost of \$6,000.

9A2) Needs Assessment Survey

The City Manager **informed** Council that Dr. Ananda Mitra of Management Learning Laboratories hosted several focus groups, including recreation and senior center staff, major activity coordinators, teenagers, members of both the combined Recreation Commission and Golf and Country Club Advisory Board and also members of civic groups. The next step is to prepare the questionnaire in draft form and submit to the City for review. The whole process should be completed by September.

9A3) Roof

The City Manager **reported** that installation of the new roof is complete, but that the heavy rain of May 6th revealed multiple leaks. The contractor was immediately contacted and he took action to repair the leaks on the new roof. City Manager Borgmann informed Council that final payment has been held back until the next rain to test the repairs. The job is guaranteed and the City will demand a new roof if necessary.

9B) Consideration of Revised Proposal from the Florida International University Metropolitan Center to Assist the City with the Comprehensive Plan Amendment Process

Council **waived** the competitive bid process and **approved** an expenditure in an amount not to exceed \$10,000 to Florida International University's Metropolitan Center for assistance with the Comprehensive Plan amendment process, pursuant to Section 31.11 (E) (6) (g) of the City Code.

Motion: Councilman Youngs

Second: Vice Mayor Best

Vote: 5-0

9C) Consideration of Partnering with Virginia Gardens to Repave Lafayette Drive

Council **agreed** to repave Lafayette Drive and to split the cost with Virginia Gardens. The bid will be awarded to the lowest responsible bidder.

Motion: Councilman Garcia

Second: Vice Mayor Best

Vote: 5-0

9D) Consideration of Adopting a Decorum Policy for City Council Meetings

Council **approved** the following decorum policy to be inserted in all Council agendas:

Decorum: “Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium”.

Motion: Councilman Garcia

Second: Vice Mayor Best

Vice Mayor Best: “aye”

Councilman Dotson: “no”

Councilman Garcia: “aye”

Councilman Youngs: “aye”

Mayor Bain: “aye”

Vote: 4-1

9E) City Manager’s Status Report on the Shuttle Bus

The City Manager **gave a status report** regarding the Shuttle Bus. He informed Council that there are many plans in the different cities and some provide the service for free, while others charge a minimal fee. He informed Council that at the present time the City has about \$1,200,000 in the bank for the past five years of the CITT receipts, and \$200,000 represent the transit portion. He recommended that a minimal fee be charged in Miami Springs.

Council **authorized** the City Manager to go out to bid for an hourly rate.

Motion: Vice Mayor Best

Second: Councilman Garcia

Vote: 5-0

9F) Discussion Regarding Political Signage Code Changes

The following changes were **discussed**:

1. The elimination of the five-foot rule, except for side lot lines
2. Estimate distance from street for areas without a sidewalk
3. Removal of code language related to up to five signs being left after an election
4. Include specific language about authority to pick up signs on public property and disposal
5. Eliminate the bond requirement and substitute a ticketable offense after ten days
6. The homeowner would be ultimately responsible for signs on his or her property
7. Code Compliance will draft a diagram of the Recreation Center parking lot with Election Day usage recommendations

Council **agreed** to the following:

1. Eliminate the five-foot rule as long as signs do not infringe upon the right-of-way.
2. Estimate the distance from the street as 16-feet in areas without sidewalks.
3. Remove the language related to five signs remaining
4. Include specific language giving the City authority to remove signs on public property.
5. Keep the bond and ten-day provision.
6. The candidate should be responsible for his or her signs.

Council requested that an agenda item be scheduled to discuss the date of the Municipal Election since it coincides with the Spring Break for Miami-Dade County Public Schools.

10. New Business:

10A) Appointment of Council Liaison to the Architectural Review Board

Council **appointed** Vice Mayor Best as the Council Liaison to the Architectural Review Board.

Motion: Councilman Garcia

Second: Councilman Youngs

Vice Mayor Best: “aye”

Councilman Dotson: “aye”

Councilman Garcia: “no” (just a joke)

Councilman Youngs: “no” (just a joke)

Mayor Bain: “aye”

Vote: 5-0

10B) Enforcement of Water Restriction Violations

The City Manager **reported** that South Florida Water Management District has indicated that the water shortage is critical and that the time for warnings is over and they want citations to be issued to alert the public on this fact.

Discussed after Agenda Item 11B

Council authorized the Police Department to impose fines for offenses effective immediately following the County regulations.

Motion: Councilman Garcia

Second: Councilman Youngs

Vote: 5-0

10C) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date

Adopted (Resolution No. 2007-3358).

Motion: Councilman Garcia

Second: Vice Mayor Best

Vote: 5-0

11. Other Business:

Discussed after Agenda Item 6F

11A) Scheduling of Board of Appeals Meeting to Hear Appeal of Board of Adjustment Case No. 23-V-07 – 280 Navajo Street

Council **scheduled** the Board of Appeals for the next Council meeting.

11B) Rescheduling of the May 28, 2007 Regular Meeting Due to the Memorial Day Holiday

Council **re-scheduled** the Regular Meeting for Tuesday, May 29, 2007 at 7:00 p.m.

Motion: Vice Mayor Best

Second: Councilman Youngs

Vote: 5-0

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

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| Water and Sewer System | Reported that he met with Miami-Dade County Water and Sewer representatives regarding the final rate structure if the systems are turned over to the County. He will be sending a memo outlining the advantages and disadvantages of the transfer, but he is encouraged by the information he received and because the County explained how they would deal with the bond issue. There are regulations imposed by State Statutes regarding the sale of a water or sewer utility by cities, and there are still many situations to discuss. It appears that the ultimate decision will not rest solely on the cost savings the residents will realize. A public hearing is required when the residents are invited to speak and all the pros and cons will be discussed. Turning over the water and sewer system will be one of the most important decisions the City has made and it is critical to the future of the City. |
| Pelican Playhouse | Reported that the “Alices in Wonderlands” production was excellent and Vice Mayor Best’s daughter was outstanding. |
| Men’s Basketball | Informed Council that the men’s basketball league is in full swing with six teams. |
| Football Registration | Informed Council that football registration for the kids is starting for the Fall. |
| Summer Camp | Informed Council that Summer Camp registration is fully booked for all age groups, programming is planned and staff has been hired. Arrangements were made with Miami-Dade County School Board to utilize one of their buses and drivers for an hourly rate of \$32.00 until the City’s new bus is delivered. |

12B) City Manager (Continued)

Lightning Prediction System

Stated that plans are moving forward for the lightning prediction system and door hangers will be distributed to residents informing them about the system.

Golf Revenue

Announced that April was a record revenue month for the Golf Course and the financials will be distributed this week.

Sub-tropical Storm

Stated that the sub-tropical storm off the coast of North Carolina was a reminder to get ready for hurricane season. A Staff kick-off meeting will be held on Tuesday, May 15th so that every department reviews the procedures that will go to the Safety Committee.

12C) City Council

Street Paving

Vice Mayor Best requested that the residents be notified of the joint street paving project with the Village of Virginia Gardens.

Springview Portables

Vice Mayor Best stated that he received reports of activity in the area around Robin and Partridge Avenue relative to survey markings in the road and when the surveyors were approached, one indicated that Springview is getting ready to add some buildings. He called Region 3 Director Robert Kalinsky and School Board member Renier Diaz de la Portilla who advised him that there are plans for three portables.

Pelican Playhouse

Vice Mayor Best thanked City Manager Borgmann for the kind words about the Pelican Playhouse. He said that Ralph Wakefield had outdone himself and the work he does is amazing as well as the people who are involved, especially the students who achieve good grades in school.

Career Day

Vice Mayor Best reported that he spoke to the Middle School students about their careers on behalf of Mayor Bain. Lieutenant Kahn and Programs Coordinator Patti Bradley also attended. The Air Force participated and it was a wonderful event.

12C) City Council (Continued)

Shuttle Bus

Vice Mayor Best is glad to see that progress is finally underway regarding the shuttle bus service.

Charter School

Councilman Dotson said that he was informed that a Charter Middle School is being organized at the Presbyterian Church with a maximum capacity of 250 students that will mostly come from outside the City and he is concerned about the parking. He was told that a State law does not permit the City to regulate Charter Schools.

The City Attorney stated that the City Planner received a call from a local realtor about the Charter School and brought the matter to the City Manager. In the City Code under the P-2 use for churches a Charter School was not an approved use; however, the Charter School representatives referred to F.S. S. 1002.33 (18) (c) that preempts local zoning. Many churches maintain schools and the City will have full enforcement powers in regard to traffic and parking.

Fair Havens: Noise Problem

Councilman Dotson asked for a status report regarding this problem. The focus has been on what Trane can do to solve the problem but the responsibility relies on Fair Havens.

The Assistant City Manager stated that the Code Compliance Officer checks with Fair Havens on a weekly basis. Their architect made a recommendation and has concurrence to move forward with a brick enclosure on top of the facility and they are in the process of obtaining a permit.

Councilman Dotson asked to be informed when the permit is authorized.

12C) City Council (Continued)

Building Permit Extensions

Councilman Dotson referred to the discussion took place at the last meeting regarding an indefinite building permit.

The Assistant City Manager stated that it is the responsibility of the Building Official to determine whether or not progress is being made. In the case of the seawall on the lake, the Building Official does not feel more than one extension would be appropriate unless they show material progress and the site would have to be returned back to the original condition.

Prayers

Councilman Garcia asked everyone to keep former Councilman Elza in their prayers for his recovery from surgery.

Fishing Expedition for Kids

Councilman Garcia stated that he had the privilege of going on the fishing expedition for Kids with the Optimist Club as part of promoting the upcoming fishing tournament. He had a wonderful time, together with Mayor Bain, Virginia Gardens Mayor Deno, and Commissioner Pepe Diaz. He found out that a State fishing license is required to fish even in a little canal and this information should be posted on Channel 77.

Funding Procedures

Councilman Garcia asked to consider setting procedures for requesting and acquiring funding from Tallahassee as a future agenda item. He said that he and Councilman Youngs came back from Dade Days with zero funding for Miami Springs. Sending letters is not enough.

City Manager Borgmann stated that the legislative officials should be invited to Council meetings and meetings with Staff. Council members need to visit them when they are in town.

12C) City Council (Continued)

School Boundary Changes

Councilman Youngs reported that the Miami-Dade County School Board would make a decision on Wednesday, May 16th regarding the boundary changes that are favorable concerning State School “WWW” and State School “JJJ” and will take some land out of the Miami Springs feeder pattern. State School V-1 in Hialeah is making an adjustment that will take 141 students out of Springview and send them to James Bright Elementary in Hialeah.

Councilman Youngs said that the Education Advisory Board had requested a resolution supporting the amendment, although the changes are most likely to be adopted since there is very little controversy. He will prepare a letter of appreciation for the Mayor to sign and mail to the Region 1 and Region 3 Centers.

Officer of the Year Dinner Mayor Bain stated that Officer of the Year Dinner would be held at the Optimist Club on Wednesday, May 16th.

Optimist Fishing Tournament

Mayor Bain announced that the Optimist Fishing Tournament is coming up on Saturday, June 9th including a fish fry. There are good sponsors this year and Commissioners Rebeca Sosa and Jose “Pepe” Diaz have offered assistance. The Optimist Club also sponsored the fishing expedition for kids to have an opportunity to experience fishing.

Tot- Lot Shade

Mayor Bain asked that the Tot-Lot Shade issue be placed on the next Council agenda. He asked to consider plans for placing a camera to monitor the Tot-lot.

13. Adjourn.

Adjourned at 9:57 p.m.